



HOU 202-KFM

Handwritten initials: DAe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CHIEN-TZU HOU
Serial No. : 09/977,585
Filed : October 12, 2001
For : STRUCTURE AND METHOD OF REPAIRING SDRAM
BY GENERATING SLICING TABLE OF FAULT
DISTRIBUTION
Art Unit : 2133
Examiner : JOHN P. TRIMMINGS
Customer No. : 010037

July 23, 2008

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION FOR REVIVAL OF UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 CFR §1.137(b)

This is a Renewed Petition under 37 CFR §1.137(b) for
revival of the above-identified patent application.

Applicant's original Petition was filed on November 8,
2007 ("Original Petition") to revive this application. A
Supplemental Petition for Revival of this application
("Supplemental Petition") was filed on March 28, 2008.
Subsequently, this Original Petition and Supplemental

Petition were dismissed by a Decision on Petition dated June 19, 2008, stating that Applicant's statement -- "The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable Petition Under 37 CFR §1.137(b) was unintentional" (appearing in applicant's original Petition) -- left open the question as to why the duly appointed attorney, Keith Kline, failed to inform the co-applicant that the application had been allowed.

Submitted herewith are the following Declaration:

(1) Supplemental Declaration of Chein Tzu Hou, executed July 22, 2008.

(2) Declaration of Karl F. Milde, Jr., attorney of record, with an attached Appendix A, executed July 23, 2008.

As a review of these two Declarations will reveal, the delay in payment of the issue fee for this Application was not occasioned by any action or inaction of the attorney, Keith Kline. Rather, the abandonment was due to criminal actions on the part of certain persons in Taipei, Taiwan, beyond the control of the Applicant herein.

As explained in Applicant's Supplemental Petition filed March 28, 2008, the reason that Applicant did not receive

the Notice of Allowance is that he had entrusted the preparation and prosecution of this Application to a patent "service company" in Taipei, Taiwan -- namely, Li Young Intellectual Property Consultants, Co. -- which, in turn, hired the firm of Pro-Techtor International Services in the United States to prepare and prosecute the Application. The firm of Pro-Techtor International Services corresponded only with the service company in Taiwan and, consequently, the Notice of Allowance was not transmitted to the Applicant.

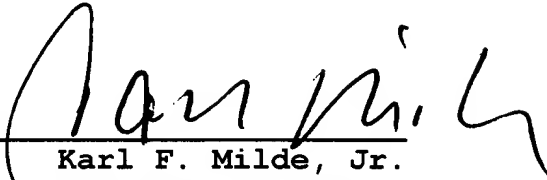
The Applicant was unaware of the Notice of Allowance of this Application, and had no reason to be aware of this Allowance, until he checked the USPTO web site on November 1, 2007. Within one week thereafter, he filed the Original Petition to Revive this Application.

The revival of this Application is accordingly respectfully solicited.

ADDITIONAL FEE:

Please charge any insufficiency of fee, or credit any excess, to Deposit Account No. 50-0427.

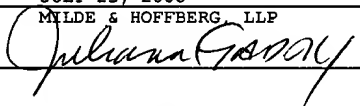
Respectfully submitted,

By 
Karl F. Milde, Jr.
Reg. No. 24,822

MILDE & HOFFBERG, LLP
10 Bank Street - Ste. 460
White Plains, NY 10606

(914) 949-3100

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

JULY 23, 2008
MILDE & HOFFBERG, LLP
By 
Date JULY 23, 2008



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION OF CHIEN-TZU HOU

I, CHIEN-TZU HOU, hereby declare as follows:

1. I am the named co-inventor in the above-identified U.S. utility patent application ("Application") with Hsiu-Ying Hsu and, as such, I am familiar with the Application and the facts and circumstances of its filing, prosecution and abandonment.

2. On March 25, 2008, I executed a Declaration ("First Declaration") setting forth the facts and circumstances relating to the abandonment of this Application. I hereby reaffirm the statements made in this First Declaration, but I wish to augment the facts reported in this First Declaration as follows:

3a. I originally entrusted the preparation and filing of this Application with Li Young Intellectual Property Consultants Co. ("Li Young") of Taipei, Taiwan, ROC.

3b. Li Young commissioned the firm of Pro-Techtor International Services in Saratoga, CA ("Pro-Techtor") to prepare, file and prosecute this Application in the U.S. Patent and Trademark Office.

3c. The firm of Pro-Techtor filed this Application on October 12, 2001. As co-inventor, I executed a Declaration and Power of Attorney to Keith Kline, an attorney in that firm who is registered to practice before the U.S. Patent and Trademark Office.

3d. Although I am a resident in Bay Area of California, I maintained an office in Taipei, Taiwan in the year 2002.

At that time, I hired a person in my Taiwan office, Chi-Hao Jack Wang ("Jack") to handle all of my patent applications. By this time, I had applied for more than 400 patents worldwide, and more than 40 of these applications had been allowed.

3e. Based on my inventions, I designed an advanced computer chip which had been selected by the US Joint Strike Fighter Team to be used in the flight control and display system of the most advanced US jet fighters.

3f. In late 2002, I learned that Jack had intentionally destroyed all of my patent application files and records, both in paper form and in my computer system in Taiwan. For some reason, unknown to me, Jack refused to supply me with any information about my 400+ patent applications.

3g. I reported this crime to the Taiwanese police and filed a lawsuit against Jack. This lawsuit is still pending at this time.

3h. Commencing at this time in late 2002, Li Young also refused to supply me with any information about my 400+ patent applications, and Li Young transferred all my patent

applications to an individual named Chi-Shan Wang ("Wang"), associate with Mainland Merchant Professional Legal Service in Taiwan. I filed a separate lawsuit against Li Young which is still pending at this time.

3i. In early 2003, following my repeated requests for information, a member of the legislative branch of The Government of Taiwan helped Wang to negotiate with me to furnish information about my patent applications.

3j. In 2003, I was wrongly arrested and detained in a Taiwanese detention center by the Taiwanese authorities. Upon later investigation, I learned that high level officials in the Taiwanese Presidential Office were involved in transferring military technology which I had developed to the government China (mainland China). I have reported this crime to the F.B.I in the United States.

3k. In 2003, Wang agreed to maintain my patent applications, provided that I pay all fees in advance, but he refused to give me any patent-related information. Approximately 20 of my patents were allowed in 2003 and I paid Wang about \$2,000 for each patent certificate.

3l. In early 2004, Wang finally agreed to provide information about my patent applications which were still in prosecution. He prepared a patent application information list ("List") for me; however, the U.S. Patent Applications Nos. 09/908,725 and 09/977,585 (this Application) were not included in this List. Wang informed me that any patents not on the List had already been abandoned.

3m. In October 2004, I reached a settlement with Wang. Wang agreed to release my patent application information and to continue the prosecution of my patent applications in return for a payment of \$30,000. I made a \$10,000 down payment upon signing the Settlement Agreement.

3n. Since I did not receive any further patent application information from Wang after signing the Settlement Agreement, I did not pay Wang the remaining \$20,000. In 2007, Wang filed a civil lawsuit against me to recover the missing \$20,000 payment. Wang's court statement confirmed that in his 2004 patent application information List, the U.S. Patent Applications Nos. 09/908,725 and 09/977,585 were not included.

30. Because the U.S Patent Applications Nos. 09/908,725 and 09/977,585 were not on the List, I assumed that they had been refused by the U.S. Patent and Trademark Office and had been abandoned, until I made a routine check on the U.S. PTO web site on or about November 1, 2007.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the Application or any resulting patent issued thereon.

July 22, 2008
Date

Chien-Tzu Hou
CHIEN-TZU HOU



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF KARL F. MILDE, JR.

I, KARL F. MILDE, JR., hereby declare and say:

1. I am an attorney, a member of the bar of the State of New York and registered to practice before the U.S. Patent and Trademark Office. I am also the attorney of record in the above-identified patent application.

2. Prior to receiving the Decision on Petition dated June 19, 2008, I sent a letter to the firm of Pro-Techtor

International Services requesting that this firm provide us with a statement setting forth why appropriate action was not timely taken to prevent the application from becoming abandoned. A copy of this letter, with its attachments, is attached hereto as Appendix A.

3. As of this date, I have received no reply to this letter from Pro-Techtor International Services, notwithstanding that I requested a reply by July 2, 2008.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the Application or any resulting patent issued thereon.

7/23/08
Date

Karl E. Milde, Jr.
KARL E. MILDE, JR.



APPENDIX A

MILDE & HOFFBERG, LLP

COUNSELORS IN INTELLECTUAL PROPERTY LAW

10 BANK STREET, SUITE 460

WHITE PLAINS, NY 10606

WWW.MILDEHOFFBERG.COM

TEL: (914) 949-3100

FAX: (914) 949-3416

INFO@MILDEHOFFBERG.COM

KARL P. MILDE, JR.
STEVEN M. HOFFBERG

OF COUNSEL:

CHERYL H. AGRIS, Ph.D.²

PAUL S. HOFFMAN

HAROLD L. BURSTYN, Ph.D.³

¹ ALSO ADMITTED IN CT

² ALSO ADMITTED IN NJ

³ ALSO ADMITTED IN FL

June 2, 2008

VIA TELEFAX (408) 996-8625 and CERTIFIED MAIL - RRR

Mr. Lin Yun Cheng
Pro Techtor International Services
20775 Norada Court
Saratoga, CA 95070

Re: U.S. Patent Application Serial No. 09/977,585
Our Ref. : HOU 202-KFM

Dear Mr. Cheng:

I am enclosing a copy of my letter of March 20, 2008, together with a "Decision on Petition" from the U.S. Patent and Trademark Office dated May 21, 2008 in a companion Application No. 09/908,725 of our client, Mr. Chien-Tzu Hou.

Since we received no answer to our letter of March 20, we filed a "Renewed Petition to Revive" in both that application and in the present application.

As you will see, the Petitions Examiner recommended that we contact you again, "by certified or registered mail (return receipt requested) indicating that the U.S. Patent and Trademark Office (USPTO) is requesting assistance in ascertaining the cause of abandonment" of this application.

Please let us know by one month of this date -- i.e., by July 2, 2008 -- why our client was not apprised of the abandonment of this application.

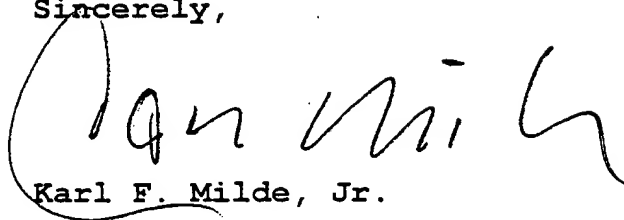
MILDE & HOFFBERG, LLP

HOU 202-KFM

Page 2

Upon receipt of your letter, we will file a second renewed Petition to Revive this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Milde", with a large, sweeping initial "K" and a stylized "M".

Karl F. Milde, Jr.

KFM:jg

cc: Mr. Chien-Tzu Hou

MILDE & HOFFBERG, LLP

COUNSELORS IN INTELLECTUAL PROPERTY LAW

KARL F. MILDE, JR.
STEVEN M. HOFFBERG¹

10 BANK STREET, SUITE 460
WHITE PLAINS, NY 10606

TEL: (914) 949-3100
FAX: (914) 949-3416
INFO@MILDEHOFFBERG.COM

OF COUNSEL:

CHERYL H. AGRIS, Ph.D.²

PAUL S. HOFFMAN

HAROLD L. BURSTYN, Ph.D.³

¹ ALSO ADMITTED IN CT

² ALSO ADMITTED IN NJ

³ ALSO ADMITTED IN FL



WWW.MILDEHOFFBERG.COM

March 20, 2008

VIA TELEFAX (408) 998-8625

Mr. Lin Yun Cheng
Pro Techtor International Services
20775 Norada Court
Saratoga, CA 95070

Re: U.S. Patent Application Serial No. 09/977,585
Our Ref. : HOU 202-KFM

Dear Mr. Cheng:

Thank you for taking my call today.

As I explained, we represent Geneticware Co., Ltd. in intellectual property matters. Geneticware is the owner, by assignment from the inventors, of the U.S. Patent Application No. 09/977,585 (now abandoned).

A Notice of Allowance for this application was mailed on April 11, 2005 but the issue fee and publication fee were never paid, so this application fell abandoned.

Our client, Geneticware, would like to revive the application, because it has only recently come to their attention that the Notice of Allowance was issued and the case was abandoned.

Our client has already petitioned to revive this unintentionally abandoned application but the Petition was denied because:

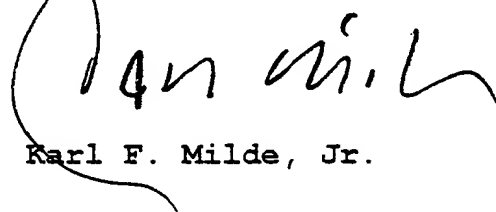
- (1) The principal inventor, Mr. Chien-Tzu Hou, did not show that he was the owner of the assignee, Geneticware; and
- (2) Mr. Hou did not present facts showing why he was not aware of the Notice of Allowance.

In order to revive this application, we would like to file a Renewed Petition to Revive together with a Declaration stating the reason why the application was abandoned, and why Mr. Hou and Geneticware were not apprised of the abandonment.

We would appreciate your letting us know the name of your Taiwanese client so that we may present the salient facts to the U.S. Patent and Trademark Office.

Since a Renewed Petition must be submitted by April 27, 2008, we would appreciate receiving your prompt reply.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karl F. Milde, Jr.", is written over a large, faint circular stamp or watermark.

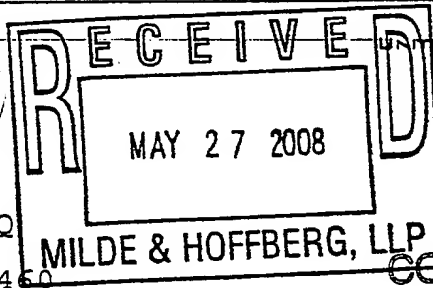
Karl F. Milde, Jr.

KFM:jg

cc: Mr. Chien-Tzu Hou



UNITED STATES PATENT AND TRADEMARK OFFICE



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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KARL F. MILDE, JR., ESQ
MILDE & HOFFBERG, LLP
10 BANK STREET, SUITE 460
WHITE PLAINS NY 10606

COPY MAILED

MAY 21 2008

Reg. La. Dean
7-21-08

In re Application of
Chien-Tzu Hou
Application No. 09/908,725
Filed: July 20, 2001
Attorney Docket No. MR2561-65

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision in response to a renewed petition, filed March 31, 2008, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is DISMISSED.

Any further request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned on October 15, 2004 for failure to timely pay the issue and publication fees on or before October 14, 2004, as required by the Notice of Allowance and Fee(s) Due, mailed July 14, 2004. On November 8, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed February 27, 2008. In response, on March 31, 2008, the present petition was filed.

Petitioner argues that entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Petitioner indicates that he first learned of the abandonment on or about November 1, 2007, while making a routine check of the status on the Office's web site. Petitioner explains that that the application was prepared and prosecuted by the law firm of Rosenberg, Klein & Lee; however, "this law firm did not report the Notice of Allowance of this Application to me and I was unaware of its allowance."

A review of the record shows that applicant appointed the law firm of Rosenberg, Klein & Lee to represent him in all matters before the United States Patent and Trademark Office by a Power of Attorney filed July 20, 2001. Since petitioner is bound by the actions or inactions of his duly appointed attorney, Rosenberg, Klein & Lee should explain why this application became abandoned while it was under their control and what efforts Rosenberg, Klein & Lee made to further reply of itself and with whom this matter was discussed outside of Rosenberg, Klein & Lee. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s) at Rosenberg, Klein & Lee and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then at Rosenberg, Klein & Lee, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action.

Petitioner is advised to send a letter (accompanied by a copy of this decision) to Rosenberg, Klein & Lee, by certified or registered mail (return receipt requested) indicating that the U.S. Patent and Trademark Office (USPTO) is requesting assistance in ascertaining the cause of abandonment of the above-identified application, and that the USPTO is requesting that Rosenberg, Klein & Lee provide within a specified period (e.g., one month) a statement setting forth why appropriate action was not timely taken to prevent the application from becoming abandoned. Petitioner is advised that, in the event that Rosenberg, Klein & Lee does not provide such a statement, petitioner should submit a copy of such letter and a copy of the return receipt.

The foregoing was given for information purposes only and should not be construed as a recommended course of action, or that such a course of action, if undertaken, would be likely to succeed.

The petition was reconsidered, but the result is the same. The delay has not been shown to the satisfaction of the Director to be unintentional within the meaning of 37 CFR 1.137(b).

Any further renewed petition may be addressed as follows:

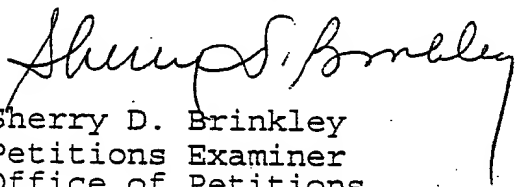
By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions